

H 8492

CONGRESSIONAL RECORD—HOUSE

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(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, I rise in basic support of H.R. 6790, the Foreign Service Act of 1980. This is the first major update and codification of Foreign Service laws and rules in 34 years. As the only member of both committees of jurisdiction, I call your attention to the fact that we have put over a year of work into this bill, and it is, for the most part, a balanced, progressive piece of legislation which should govern the Foreign Service well for many years to come. It is a necessary measure, I think, because although small as Government departments go the Department of State has become a cumbersome bureaucracy overaddicted to paper. There are significant defects in State Department personnel management some of which this bill addresses.

Specifically, the reconciliation of civil service reform with the uniqueness of the Foreign Service and its mission was accomplished in a practical fashion at the subcommittee level.

The bill establishes statutory labor-management relations on the Civil Service reform model, but without ignoring the obvious differences between the 2.2-million employee domestic civil service and a 9,000-employee Foreign Service facing the responsibility of representing our country abroad.

We create a mandatory Senior Foreign Service as a rough equivalent of the voluntary domestic Senior Executive Service. The Senior Foreign Service is not a mere extension of the more loosely organized domestic group because the Foreign Service has long had a more grueling, up-or-out system than the civil service.

In the area of job classification the bill abolishes the so-called Domestic Foreign Service as it developed, rather by accident, over the years. We are all agreed that a Foreign Service career must mean that a person is worldwide available and willing to adjust himself and his family to whatever assignment he receives anywhere.

We further recognize the increasing incidence of divorce in the Foreign Service and authorize a new survivor benefit for former spouses, which a court may order the State Department to pay as part of a divorce settlement. The bill codifies the existing practice of awarding an annuity to an employee's former spouse when a court so orders.

Perhaps the most practical part of the bill is its raising of the mandatory retirement age from 60 to 65. Here we have succeeded, I believe, in balancing the issue of age discrimination with the decline in worldwide availability of older Foreign Service employees.

One of the important features of this legislation is its commitment to the principle of merit in recruitment and all aspects of Foreign Service employment. At the same time, the bill properly emphasizes the continued use of affirmative action, minority recruitment programs, and all other aspects of the Federal equal employment opportunity effort.

The Foreign Service was once justly criticized for its narrow base, a small select group which dominated the formation and conduct of U.S. diplomacy. Over the years, however, the Foreign Service changed as applicants—women, as well as men—of diverse ethnic, racial, and religious origins entered the diplomatic service. New forms of discrimination must not be permitted to deflect the thrust of further equal opportunity efforts. In this legislation, we make clear the intent of the Congress that the principle of merit will motivate the employment decisions of the Foreign Service. This concept is thoroughly compatible with a bona fide equal employment opportunity program which includes conscientious affirmative action and a vigorous minority recruitment program. We intend the Foreign Service of the future to be representative of the American people, free of discrimination by virtue of race, religion, gender, or ethnic origin and highly professional in character.

Our supplemental views in the Post Office and Civil Service Committee's report to this bill outlined three areas where the legislation could be improved. One of these areas, the unity of the Peace Corps personnel system, has already been settled pretty much to our satisfaction. In another, the Secretary's ability to acknowledge certain Selection Board decisions without merely rubberstamping them, compromise language will be offered and if the Department of State says it can live with such language, I will not oppose it. Third is the issue of pay. I maintain that it will always be a better idea to allow the President to administratively establish and revise the linkage of Foreign Service with civil service pay, under the general provisions of pay comparability. There are other problems, nonetheless, which are not addressed in the bill—cost-of-living allowances abroad and differences in posts around the world, for example.

My two committees have not reported identical versions of this bill, and as a member of both I will be taking positions on amendments as they are proposed. I will confine myself at this point to repeating to the House what I said so many times during our civil service reform debates in 1978: We must let managers manage in the executive branch if we expect to constructively criticize them later. Only if we give them the tools now will we be able to properly blame or commend them in the future.

Another important consideration is that, among other things, the Foreign Service Act of 1980 rearranges the categories and designations of Foreign Service employees. The Department of State's application of the FSO designation does not really take into account the complexities of the status of various U.S. Government officials who serve abroad. The Department should undertake to accommodate the real needs of the diverse Government agencies serving under Foreign Service aegis overseas and modify its career service designations accordingly.

Mr. Chairman, I will have further comments during the amendment procedure.

Mr. FASCELL. Mr. Chairman, I want to thank my colleagues for their participation in this legislation. As somebody said, it was kind of unique coming out here with two committees working on this bill, and the cooperation has, indeed, been excellent, the bulk of the work falling on the chairperson of the Subcommittee on Post Office and Civil Service and the Subcommittee on International Operations which held joint hearings and markup on the legislation, and the cooperation of the full Committee on Post Office and Civil Service and the full Committee on Foreign Affairs. It has been unusual for a bill of this magnitude.

Mr. Chairman, this is a large bill and as has already been pointed out, it is an attempt to modernize the legislation which has not been done since 1946. Those of us who have now worked on this bill can understand why our predecessors were reluctant to get into this complex area, which involves many agencies and many differing opinions.

I want to acknowledge on the record the excellent effort and hard work of the staff of both committees, the subcommittee and the full committee, as well as the organizational groups. I simply repeat this so that the record will reflect and my colleagues will get some of the flavor involved in what is really not only a major piece of legislation but a very important piece of legislation, with all of the agencies involved who have some responsibility in this area other than the State Department—the International Communication Agency, the Agency for International Development, the Arms Control and Disarmament Agency, Commerce, Agriculture, and the Peace Corps. Those are just the Agencies involved in this effort. There are also many different organizational groups who have some interest in what happens to the Foreign Service. All of their interests are affected by this.

Suffice it to say that there was a great deal of testimony, and a great many suggestions. I want our colleagues, Mr. Chairman, to know that between the two committees we considered every single suggestion that was submitted to the committees either by way of separate legislation, amendments or testimony. They totaled approximately 400 suggested changes. I just repeat that. They totaled 400. I have never been involved with a piece of legislation that received as much careful, thoughtful consideration, despite the fact that even at this moment there may be some differences of opinion about which is the best thing to do about one problem or another that still remains. We do not claim to be perfect; we just tried to get as perfect as we could get, but all of those elements were very carefully considered. Every single word of this bill was read by both committees. Every single word, sentence, paragraph and punctuation mark was analyzed as to where it came from, what it means, what changes were involved, what effect it would have. I cite that thoroughness and that careful approach to the problem because we are codifying all of this law applying to the Foreign Service in one place. Some of these pro-